

Senate Daily Reader

Tuesday, February 25, 2003

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State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

733I0631

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1187 - 02/12/2003

Introduced by: Representatives Weems, Buckingham, Hennies, Koistinen, Kraus, LaRue, Madsen, Miles, Novstrup, O'Brien, Peterson (Bill), Putnam, Rave, Smidt, Teupel, and Van Etten and Senators Jaspers, Abdallah, Duniphan, Kelly, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to prohibit the use or possession of scanning devices or
2 reencoders with intent to defraud and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Reencoder," an electronic device that places encoded information from the magnetic
6 strip or stripe of a payment card onto the magnetic strip or stripe of a different
7 payment card;

8 (2) "Scanning device," a scanner, reader, or any other electronic device that is used to
9 access, read, scan, obtain, memorize, or store, temporarily or permanently,
10 information encoded on the magnetic strip or stripe of a payment card.

11 Section 2. No person may use a scanning device to access, read, obtain, memorize, or store,
12 temporarily or permanently, information encoded on the magnetic strip or stripe of a payment
13 card with the intent to defraud. A violation of this section is a Class 6 felony.

14 Section 3. No person may use a reencoder to place information encoded on the magnetic



1 strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the
2 permission of the authorized user of the card from which the information is being reencoded and
3 with the intent to defraud. A violation of this section is a Class 6 felony.

4 Section 4. No person may own or possess a scanning device or a reencoder with the intent
5 to use such scanning device or reencoder to defraud. A violation of this section is a Class 1
6 misdemeanor.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

704I0616

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1229** - 02/22/2003

Introduced by: Representatives Smidt, Adelstein, Bartling, Burg, Cradduck, Gillespie, Heineman, Konold, Michels, Pederson (Gordon), Peterson (Bill), Sebert, Solum, and Wick and Senators Jaspers, Abdallah, Brown, Dempster, Dennert, Diedrich (Larry), Duenwald, Duniphan, Ham, Kleven, Knudson, and Vitter

1 FOR AN ACT ENTITLED, An Act to authorize a South Dakota Statuary Commission.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. There is hereby created the South Dakota Statuary Commission. The South
4 Dakota Statuary Commission is a nonprofit corporation, independent and separate from the State
5 of South Dakota and subject to the laws governing nonprofit corporations. The purpose of the
6 commission is to promote the culture and heritage of South Dakota's past, present, and future
7 through the creation, design, construction, placement, and display of statues that realistically
8 depict and represent South Dakota and its people, heritage, history, and culture and to raise
9 money or other consideration to achieve that goal. The board may accept any grants, gifts, or
10 contributions as allowed by South Dakota's nonprofit corporation law but may not accept any
11 state general fund appropriation.

12 Section 2. The secretary of the Department of Tourism and State Development, President
13 Pro Tempore of the Senate, and the Speaker of the House of Representatives shall meet within
14 ninety days of the effective date of this Act to incorporate the commission, to create the initial



1 bylaws of the commission, and to choose the members of the first board of directors.

2 Section 3. There shall be a nine member board of directors for the commission. The terms
3 of the first board of directors shall be:

- 4 (1) Three selected for one year terms to expire September 30, 2004;
- 5 (2) Three selected for two year terms to expire September 30, 2005; and
- 6 (3) Three selected for three year terms to expire September 30, 2006.

7 All subsequent terms shall be for three years ending on September thirtieth. Members of the
8 initial board of directors are eligible for reappointment. No board member may serve more than
9 two consecutive three-year terms on the board. Persons appointed to the board to fulfill the
10 unexpired portion of a term shall serve for the unexpired portion of that term and may be
11 reappointed for up to two full three-year terms. Partial terms do not count towards the two term
12 limit.

13 Section 4. The board members shall receive per diem and expenses while actually engaged
14 in duties related to the commission. The board may either hire office personnel or may enter into
15 contractual agreements to carry out its duties.

16 Section 5. No person may reproduce, duplicate, or otherwise use a facsimile of any statue
17 constructed, produce, or created by or for the commission, for any for-profit, commercial
18 purpose without specific written authorization from the board. A violation of this section is a
19 Class 1 misdemeanor.

20 Section 6. The board may enter into contracts for the marketing and sale of items or objects
21 authorized under this Act. The board may charge a fee for any authorization granted under the
22 terms of this Act.

23 Section 7. The board shall work and cooperate with the Bureau of Administration and other
24 agencies of the State of South Dakota, the federal government, and local government entities for

1 construction and placement of statues in areas that will enhance the enjoyment and understanding
2 of each individual statue. Statues should be placed in a highly visible manner so as to enhance
3 access and visibility of the statue to the public. Statues should be placed to allow for the
4 placement or addition of interpretive and explanatory material and exhibits in the immediate
5 vicinity of the statue.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

652I0735

SENATE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1234 -**
02/22/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Hunhoff, Adelstein, Cradduck, Frost, Garnos, Heineman, Kraus, Madsen, Michels, Miles, Olson (Mel), Peterson (Bill), Rhoden, Teupel, Van Etten, and Wick and Senators Olson (Ed), Abdallah, Albers, Brown, and Moore

1 FOR AN ACT ENTITLED, An Act to create a commission on health care.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. There is created the South Dakota Commission on Health Care within the Office
4 of the Governor. The commission shall gather data to assess the health status of South Dakotans,
5 identify priorities for health care that address financing, delivery, and programming, and develop
6 measurable health care outcomes that describe the achievement for selected statewide initiatives.
7 The commission shall also recommend health care policy, monitor health care environments, and
8 address the health care needs of South Dakotans.

9 Section 2. The commission shall be appointed by the Governor and shall consist of no more
10 than twenty-five members. The secretary of health, the secretary of human services, the secretary
11 of social services, and the director of the division of insurance shall serve as ex officio members
12 in an advisory capacity. The additional members of the commission shall be representative of
13 each of the following groups:



- 1 (1) Business/employers;
- 2 (2) Consumers;
- 3 (3) Insurers;
- 4 (4) Health care providers;
- 5 (5) Public/community health workers;
- 6 (6) Governor's office;
- 7 (7) Former legislators;
- 8 (8) Tribal members;
- 9 (9) Mental health providers; and
- 10 (10) Indian Health Services.

11 Section 3. The terms of the members of the first commission shall be:

- 12 (1) One-third selected for one-year terms;
- 13 (2) One-third selected for two-year terms; and
- 14 (3) One-third selected for three-year terms.

15 All subsequent terms shall be for three years. Members of the initial commission are eligible
16 for reappointment. No commission member may serve more than two consecutive three-year
17 terms on the commission. Persons appointed to the commission to fulfill the unexpired portion
18 of a term shall serve for the unexpired portion of that term and may be reappointed for up to two
19 full three-year terms.

20 Section 4. The commission shall select a chair from among its members. The commission
21 shall meet at least three times each year. However, it may meet more often at the call of the chair
22 or upon written request of a majority of the members.

23 Section 5. The commission shall annually report its findings and recommendations to the
24 Governor and the Legislature by December first.